

December 2, 2003

**MINUTES OF A SPECIAL
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in a special meeting at 5:30 p.m. on December 2, 2003, in Council Chambers.

ROLL CALL

Present: Councilmembers Lieu, Mauno, McIntyre, Nowatka, Scotto, Witkowsky and Mayor Walker.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers and other staff representatives.

17. EXECUTIVE SESSION

On November 25, 2003, the Torrance City Council adjourned its regular meeting to December 2, 2003 at 6:00 p.m., however, pursuant to California Government Code Section 54956.8, the City Council was called into a special session commencing at 5:30 p.m. on December 2, 2003 in the City Council Chambers for the purposes of conducting an executive session to discuss 17a.) Real Property – Conference with Real Property Negotiator.

The regular meeting commenced at 6:05 p.m.

Mayor Walker announced that the City Council had met in an Executive Session and that no action was taken in that meeting.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by former Mayor Ken Miller.

The invocation was given by Councilmember Witkowsky.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember McIntyre moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Lieu and a voice vote reflected unanimous approval.

MOTION: Councilmember McIntyre moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Lieu and a roll call vote reflected unanimous approval.

4. WITHDRAWN OR DEFERRED ITEMS

City Manager Jackson reported that Consent Calendar Item 7b would be withdrawn and would be considered at a future meeting.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Fire Chief Bongard reminded everyone that the monthly test of the ExxonMobil siren and Community Alert System would be Wednesday, December 3 at approximately 11:30 a.m.

City Clerk Herbers announced that the City Clerk's office is accepting applications for various commission seats until Wednesday, January 7, 2004 at 5:30 p.m. and applications are available on the website or at the City Clerk's Office. Appointments will be made on Tuesday, January 13 at the regular City Council meeting.

Mayor Walker asked that the City Council meeting be adjourned in memory of Dick Beecher who assisted city employees with care of the Maple Blvd. Rose Garden.

6. COMMUNITY MATTERS

6a. PROCLAMATION RE OPERATION TEDDY BEAR DAY, DECEMBER 11, 2003

Councilmember Scotto read a proclamation declaring December 11, 2003 as Operation Teddy Bear Day in the City of Torrance, and commending and expressing sincere appreciation to the Volunteer Center for its outstanding contribution to the youth of the community. Mayor Walker presented the proclamation to Dede Hicks of the Volunteer Center who thanked the Council for helping alert the community to their services.

7. CONSENT CALENDAR

7a. AIRPORT COMMISSION ANNUAL REPORT 2002-2003

Recommendation

Recommendation of the Building and Safety Director and the Airport Commission that City Council accept and file the Airport Commission 2002-2003 Annual Report.

7b. SUBLEASE AND IMPROVEMENT AGREEMENT RE HI-SHEAR CORPORATION AND LA CAZE DEVELOPMENT COMPANY

Recommendation

Recommendation of the Land Management Team that City Council authorize the Mayor to execute and the City Clerk to attest to a Sub-Lease and Improvement Agreement by and between Hi-Shear Corporation (Lessee) and La Caze Development Company (Sub-Lessee).

This item was withdrawn.

7c. CONTRACT RE PRECISION REFRIGERATION AND AIR CONDITIONING INC.

Recommendation

Recommendation of the General Services Director that City Council:

- 1) Award a contract to Precision Refrigeration and Air Conditioning Inc. for \$272,814 with a 5% contingency of \$13,640 for replacement of chiller units for the Civic Center Library (FEAP #63) and City Hall (FEAP #52); and
- 2) Authorize a 10% project management fee of \$27,281.

7d. CONTRACT RE DINALLI CONSTRUCTION AND UPPER LEVEL REMODEL PROJECT CONSOLIDATION

Recommendation

Recommendation of the General Services Director and the City Librarian that City Council:

- 1) Award a contract to Dinalli Construction Inc. for \$435,000 with a 5% contingency of \$21,750 for the upper level remodel of the Katy Geissert Civic Center Library (FEAP #328);
- 2) Authorize a 10% project management fee of \$43,500;
- 3) Approve \$5,000 for professional inspection services;
- 4) Transfer and appropriate the following amounts into FEAP #328 (Katy Geissert Upper Level Remodel) to consolidate the upper level remodel project: \$373,370.45 from FEAP #113 (Renovation of Civic Center Library Basement), \$150,000 from FEAP #146 (Improvement to upper level of Civic Center Library), and \$19,500 from FEAP #248 (Civic Center Library Upper Level Renovation); and
- 5) Appropriate \$151,693 from the SB358 Public Library Fund into FEAP #328 (Katy Geissert Upper Level Remodel) for a total transfer and appropriation of \$694,563.45.

7e. OFFICE OF TRAFFIC SAFETY GRANT APPROPRIATION

Recommendation of the Community Development Director that City Council:

- 1) Approve and authorize the execution of a grant agreement with the Office of Traffic Safety; and
- 2) Accept and appropriate \$60,000 grant from Office of Traffic Safety to fund the development and implementation of "Geographic Information System for Collision Analysis and Traffic Control Devices" (FEAP #413).

MOTION: Councilmember Mauno moved to approve items 7a, and 7 c through 7f as written. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

10. PUBLIC SAFETY

10a. MODIFICATION OF FIRE DEPARTMENT BUDGET - FLSA POSITIONS

Recommendation of the Fire Chief and the City Manager that City Council approve a modification to the Fire Department budget eliminating three FLSA Firefighter positions (\$365,480) and adding constant staff costs (\$306,165) for a savings of \$59,315 as a follow-up from the meet and confer process.

Assistant City Manager Keane explained that the change was an outgrowth of the meet and confer process.

MOTION: Councilmember Scotto moved to accept the staff recommendation. Councilmember Witkowski seconded the motion and a roll call vote reflected unanimous approval.

11. ADMINISTRATIVE MATTERS

11a. CONTINUED STATE OF LOCAL EMERGENCY FOR CAROLWOOD LANE AND SINGINGWOOD DRIVE

Recommendation of the City Manager and the City Attorney that City Council continue the state of local emergency, proclaimed March 2, 2001 for properties located on Carolwood Lane and Singingwood Drive.

MOTION: Councilmember Scotto moved to continue the state of local emergency for Carolwood Lane and Singingwood Drive. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

11b. ORDINANCE NO. 3552 RE COMMERCIAL SOLID WASTE MANAGEMENT

Recommendation of the Public Works Director that City Council adopt an Ordinance amending the Torrance Municipal Code relating to commercial solid waste management.

Waste Management Coordinator Sherman reported a review of programs with State staff which uncovered the need for changes and she indicated that other items would be brought forward in the future with regard to waste streams. She noted that the proposed ordinance was time sensitive and addressed a requirement to provide an annual diversion report. She also stated that the item was tied to business license renewal with businesses notified about the program back in September.

In response to an inquiry from Councilmember McIntyre, Waste Management Coordinator Sherman indicated that there were 40 commercial waste haulers in the City.

MOTION: Councilmember Scotto moved to concur with staff recommendation. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

ORDINANCE NO. 3552

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TORRANCE AMENDING A SECTION OF THE TORRANCE
MUNICIPAL CODE RELATING TO REPORTING REQUIREMENTS
TO COMMERCIAL WASTE COLLECTION, DIVISION 4.

MOTION: Councilmember Lieu moved to adopt Ordinance No. 3552. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

11c. 1ST QUARTER BUDGET REVIEW; CITY TREASURER'S INVESTMENT REPORT; 2003-2004 BUDGET MODIFICATION

Recommendation of the Finance and Governmental Operations Committee that City Council concur with the following:

- 1) Accept and file the financial report;
- 2) Accept and file the City Treasurer's Investment Report;
- 3) Approve the allocation of Fiscal Year 2002-2003 carryover; and
- 4) Approve department program modifications for the National Pollutant Discharge Elimination System (NPDES).

Finance Director Tsao reported that there was a \$2.6 million carryover for the past year that is usually allocated to different reserves or special projects, however, given the current state of the budget and the repeal of the vehicle license fee increase, which reduced Torrance revenue by \$6 million, the committee recommended placing \$1 million of the carryover funds into the self insurance for Worker's Compensation and the balance in to the economic anomaly reserve.

Councilmember Scotto explained that the committee was unanimous that this was the appropriate action with the uncertainties ahead and the funds would be helpful in the future.

MOTION: Councilmember Scotto moved to accept the committee's recommendation. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

11d. RESOLUTION NO. 2003-182 RE CITY ATTORNEY SALARY

Recommendation of the City Manager that City Council adopt an amendment to the Executive and Management Employees pay Resolution to modify the salary of the City Attorney.

Assistant to the City Manager Keane indicated that the resolution was pursuant to Council instructions.

MOTION: Councilmember Scotto moved to accept the staff recommendation. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

RESOLUTION NO. 2003-182

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2003-98 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR EXECUTIVE AND MANAGEMENT EMPLOYEES

MOTION: Councilmember Lieu moved to adopt Resolution No. 2003-182. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

12. HEARINGS

12a. APPEAL OF PLANNING COMMISSION DECISION RE COURTYARD VILLA ESTATES, LLC - CUP03-00036 and TTM54196

Recommendation of the Planning Commission that City Council deny the appeal and deny without prejudice a Conditional Use Permit (CUP03-00036) to allow the construction of a 43-unit senior condominium development and the establishment of a mixed-use development with an existing shopping center and a Tentative Tract Map (TTM54196) for condominium purposes and to allow a Lot Line Adjustment on property located in the C-2 Zone at 3914 and 4004 Sepulveda Boulevard and 22311 Ocean Avenue.

The Community Development Director recommends that City Council approve the appeal and adopt Resolutions to approve CUP03-00036 and TTM54196 as conditioned.

CUP03-00036, TTM54196: COURTYARD VILLA ESTATES, LLC (RICHARD GREENE)

Mayor Walker opened the public hearing opened at 6:25 p.m.

Planning Manager Isomoto reported that the item was before the Council as the result of an appeal of a denial of a Conditional Use Permit. She provided an overview of the area and noted that the 43 proposed attached senior condominium units would be in walking distance to many facilities and commercial services; the project involved establishing a mixed use development with an existing shopping center site, integrated with a landscaped courtyard and plaza area; the building would be 4 stories tall with 96 parking spaces in a subterranean garage with 2 spaces per 2 bedroom unit and 1 per 1 bedroom unit plus guest spaces.

She stated that at the Planning Commission hearing, concerns were raised with regard to noise from the shopping center, the Floor Area Ratio of 1.91 to 1.0, the lack of parking and landscaping, and access to the site. Plans had been revised to include additional parking and landscaping, and that a one bedroom unit was eliminated but that the FAR was not reduced. She noted that the Planning Commission denied the project without prejudice with a vote of 4-0 (absent Commissioners Botello, Drevno and LaBouff.)

Richard Greene, 2360 Plaza Del Amo, Ste. 100, the developer of Courtyard Villa Estates, provided a brief overview of the project noting that the parcel has been vacant for a long period of time and that the development would fill a niche in Torrance currently not available by providing larger living spaces and would provide more amenities including a secure entry, lobby, gym, office, social room, elevators and a central courtyard to create a sense of community.

Jan Trobaugh, 2420 Carson St., Ste. 225, architect for the project, stated that they had worked to avoid interior hallways, planned enclosed units to mitigate car noise on Sepulveda Blvd., and that a large set back enabled a stepped back view of the building from the street.

Bruce Davy, President of Davy & Associates in Redondo Beach, stated that he had been retained to conduct a noise study to consider potential noise impacts from the strip mall and that based upon a study conducted during lunchtime hours and between 9 and 10 p.m., projecting noise levels 10 years into the future and that he had provided recommendations to the developer to bring levels down to acceptable levels. He recommended a significant upgrade over conventional glazing on the windows to reduce levels to almost 5 db below requirements.

Roger Hart, 1617 Post Ave., Forecast Realty, indicated that he had been contacted by the developer for his expertise on the senior housing market in Torrance and stated his opinion that the proposed development addressed many senior issues by providing larger living space, laundry facilities in the units, as well as close proximity to shopping, medical and transportation.

Pat Flaskerud spoke on behalf of Dr. Irving Moskowitz, 4025 W. 225th St., who had no objection to the development as long as a satisfactory solution could be found to mitigate the water flow problem from the proposed development to the Riviera Medical Development Company. She stated that Dr. Moskowitz had requested a copy of the Civil and Utility Plans for the project to make sure there would be no adverse impact.

Patricia Grosskup, 4013 Sepulveda Blvd., expressed concerns about a four story building as it would block her view and the manner of trash pickup with the circular drive. She stated that tenants of the commercial building to the east and nurses from the medical building park in front of her house park and impact street sweeping.

David Carlett spoke on behalf of Killian Pub and Grill adjacent to and directly east of the proposed project. He reported that the owner was out of town and he had not received notice of the hearing but found out by accident last week. He submitted a letter for the record from Harold Olsen, owner of the dental office to the west of the project in opposition to the project.

Mr. Carlett observed that the staff presentation did not reflect the flavor of the concerns and comments of Planning Commissioners and others opposed to the project at the Planning Commission meeting. He reminded the Council that the Planning Commission had unanimously rejected the proposal after 2 separate hearings noting that the applicant had made changes for the second hearing but serious issues still were not addressed and that they had still not been addressed. He stated that staff is suggesting approval as the project was originally submitted without modifications that had been proposed to address concerns.

Mr. Carlett asserted that the proposed walkway to tie the development to the mall was being used to call the project mixed use which is incorrect usage of the term, and that he saw it as a way to turn commercial property into residential. He noted that the parking would be insufficient for a traditional residential project, and if it were a traditional residential project it would not be legally built.

Mr. Carlett pointed out that senior housing did not usually refer to luxury condominiums and that this was not traditional development. He noted that the current CUP for the restaurant granted in 1996 that if the footprint of the project was substantially altered, that the developer would be required to bring it up to standard parking requirements. He took issue with the staff's decision that the footprint was not being changed as 43 condominiums were being added and that the project could not be built without connecting it to the mall and that the footprint was being changed. He stated that he felt that if they had brought forward a proposal for a four story building on the existing mall it would be denied due to a lack of parking.

He stated that he felt that the property was being rezoned through mixed-use, that the project was out of scale with the neighborhood, that it severely impacted tenants in mall and no efforts were made to address current and future impact on parking on the property.

Councilmember Witkowski left Council Chambers at 6:53 p.m.

Mr. Carlett asserted that a CUP would not be granted to build a bar next to senior housing, but that is being granted to senior housing next to an existing bar that is open until 2 a.m. nightly. He noted that the sound engineers did not mention the impact of the noise on the residents when the windows are open or when they are on the patios, walkways and decks.

Councilmember Witkowski returned to Council Chambers at 6:56 p.m.

Mr. Carlett expressed hope that the Council would not disregard the Planning Commission recommendation noting that several of the Commissioners who were not able to attend the second hearing had indicated that they would not be supporting the project.

In response to an inquiry from Mayor Walker, Mr. Carlett stated that there were three years left on the Killian lease with a five year option. Mr. Carlett also noted that the landlord was a relative of the developer and alleged that Mr. Killian had been threatened if he opposed the project, and cited a letter to tenants (of record) imposing parking restrictions which he felt was in violation of the CUP, and threatening eviction for non-compliance.

In response to an inquiry from Councilmember Lieu, Mr. Carlett explained that although the letter (dated November 7, 2003 – of record) was addressed to all the tenants, Mr. Killian was the only tenant who would be substantially impacted by the changes to parking. He noted that it was his belief that city zoning was by use and not by square foot.

Nancy Mosher, 3917 Sepulveda Blvd., submitted a letter to Planning Commission (of record) and expressed concerns with height of the building for the neighborhood, the increase in traffic and the lack of street parking.

Stephen Martin, attorney for Larry Killian, reported that his client who had put his life savings into building a successful neighborhood business was concerned that people spending money on the luxury condos would not want their living rooms and bedrooms right on top of a bar and that he might be forced to move. He further expressed concern that the developer was improperly citing “mixed use” in order to receive incentives and to avoid requirements necessary for a traditional residential development.

Mayor Walker asked Mr. Martin if he felt that the condominium owners would use the mall parking.

Mr. Martin stated could not foresee residents making use of mini mall parking as there was insufficient parking at present. He requested an altered project that would create a functioning mall and reflect genuine mixed use.

Mayor Walker expressed support for the project and objected to the characterization of the developer as someone “making a quick buck.” He stated that safety and water problems would be addressed by design and that he did not see any problem with a development adjacent to a bar as the bar was quiet when he visited the site on a weekend night. He felt the project was helping the needs of the seniors.

In response to concerns about construction hazards and construction worker parking from Nancy Mosher, Mayor Walker indicated that staff had taken safety and parking issues into consideration. He noted that there were many problems on the street which should not preclude the development and would be investigated by staff.

Jan Trobaugh responded to concerns by Starview about standing water on Kent Ave and stated that all water from the site would go to Sepulveda with nothing being sent to their site. He indicated trash trucks would go down the extra wide circular driveway and would not be on the street. He stated that he had spoken to Dr. Olson in the beginning and had not heard back from him. He stated that the mini mall’s problems would not be further solved with this project.

MOTION: At 7:16 p.m. Councilmember Witkowsky moved to close the public hearing. Councilmember Scotto seconded the motion and a roll call reflected unanimous approval.

Mayor Walker objected to what he viewed as bashing seniors who have money and want to stay in the community and he asserted that the developer was attempting to develop balanced senior housing in the community that helps meet a need. He disagreed with the Planning Commission and stated that a bar with parking problems should not defeat a development that the Community Development Director is recommending.

Councilmember Witkowski asked City Manager Jackson to look into street cleaning issues. She suggested signage for street cleaning day and City Manager Jackson indicated that the City often runs into conflicts with the neighborhood over posting signs but that it would be explored.

Councilmember Witkowski expressed support for the project as it was a first for the City and on the cutting edge. She acknowledged that there was a market for smaller affordable senior projects and that it was being met elsewhere.

Councilmember Mauno also expressed support for the project and agreed that there is a demand for senior housing in the City. He acknowledged the Planning Commission's position but stated that the City Council needed to try new approaches. He expressed support for the project as he felt that his main concern, noise, would be addressed with the project design.

MOTION: Councilmember Witkowski moved to concur with the Community Development Director recommendation to approve the appeal and approve the project. The motion was seconded by Councilmember McIntyre and a roll call vote reflected unanimous approval.

RESOLUTION NO. 2003-183

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 5 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A 43-UNIT SENIOR CONDOMINIUM AND THE ESTABLISHMENT OF A MIXED-USE DEVELOPMENT WITH AN EXISTING SHOPPING CENTER ON PROPERTIES LOCATED IN THE G-2 ZONE AT 3914 AND 4004 SEPULVEDA BOULEVARD.

CUP-03-00036: COURTYARD VILLA ESTATES, LLC (RICHARD GREENE)

MOTION: Councilmember Lieu moved to adopt Resolution No. 2003-183. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

RESOLUTION NO. 2003-184

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA APPROVING A TENTATIVE TRACT MAP TO ALLOW THE SUBDIVISION FOR CONDOMINIUM PURPOSES AND A LOT LINE ADJUSTMENT BETWEEN PROPERTIES LOCATED IN THE C-2 ZONE AT 4004 SEPULVEDA BOULEVARD AND 22311 OCEAN AVENUE.

TTM54196: COURTYARD VILLA ESTATES, LLC (RICHARD GREENE)

MOTION: Councilmember Lieu moved to adopt Resolution No. 2003-184. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval

Mayor Walker, for the benefit of audience members, stated for that staff would be reporting back with recommendations to address some of the concerns mentioned that were outside of the scope of the project.

15. 2ND READING ORDINANCES

15a. SECOND AND FINAL READING OF ORDINANCE NO. 3551 RE TAXICAB FRANCHISES

Second and Final Reading of Ordinance No. 3551 adding a new Article 16 of Chapter 3 of Division 3 of the Torrance Municipal Code entitled Taxicab Franchises

MOTION: Councilmember Lieu moved to adopt ordinance No. 3551. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

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The Torrance Redevelopment Agency met from 7:26 p.m. to 7:28 p.m.

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16. ORAL COMMUNICATIONS

16a. Councilmember Lieu noted that the City Council had accepted and filed the Financial Report and the City Treasurer's Investment Report, and he stated that the City's budget was balanced for this year and through 2005 with a surplus. He commended the Treasurer and City staff, commenting that the state and federal governments have huge deficits.

16b. Councilmember Lieu noted his attendance at the Torrance Area Chamber of Commerce State of the Region address featuring Congresswoman Jane Harman.

16c. Councilmember Mauno stated that he had also attended the Jane Harman luncheon which he felt was informative.

16d. Councilmember Nowatka expressed his appreciation that the Council would be dark on Tuesday, December 9, his 25th wedding anniversary.

16e. In response to an inquiry from Councilmember Scotto, Assistant City Manager Giordano reported that the project at Anza and Pacific Coast Highway was tentatively scheduled for completion on December 5.

16f. Mayor Walker reported that he had sworn in Heidi Ashcroft and Terry Ragins for terms on the Torrance Unified School District Board and also congratulated his former colleague Maureen O'Donnell who was elected President of the Board.

17. EXECUTIVE SESSION

Considered earlier in the meeting.

18. ADJOURNMENT

At 7:34 p.m., the meeting was adjourned to Tuesday, December 16, 2003 at 5:30 p.m., for an Executive Session in the Council Chamber, with the regular meeting commencing at 7:00 p.m. in Council Chambers. Tuesday, December 9, 2003 will be a Council dark night

** * * Adjourned in memory of Dick Beecher. * * **

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on February 3, 2004